ANNEX 1

CANUSLAK

GREAT LAKES
OPERATIONAL SUPPLEMENT

TO THE

JOINT MARINE CONTINGENCY PLAN

This Annex is the responsibility of:

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Letter of Promulgation

In support of the Canadian Coast Guard Marine Spills Contingency Plan and pursuant to the Canada –US Joint Marine Pollution Contingency Plan the following document: Annex 1 CANUSLAK – Great Lakes Operational Supplement represents the coordinated efforts of the United States Coast Guard – District 9 and Canadian Coast Guard – Central and Arctic Region to integrate response to pollution incidents in the Great Lakes System.

This document is amended annually and exercised in accordance with the principles outlined in the Joint Plan. Amendments to the supplement will be issued on an "as required" basis. Comments and/or requests for changes should be forwarded to:

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Larry Trigatti
Regional Contingency Planning Officer

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I. Purpose

Article VI(1)(i) of the Great Lakes Water Quality Agreement requires the Canadian and U. S. Coast Guards to maintain a Canada-United States Joint Marine Contingency Plan in accordance with Annex 9 of the GLWQA.

The purpose of the CANUSLAK Annex to the Canada--U.S. Joint Marine Pollution Contingency Plan is to provide a coordinated system for responding to discharges or threat of discharges of pollutants in the contiguous waters of interest between Canada and the United States by supplementing the existing national response systems of each Party for the Great Lakes and St. Lawrence River areas covered by the Joint Marine Plan.

The Joint Canada--United States Marine Pollution Contingency Plan (date), when invoked, will provide the mechanism for Canada--U.S. cooperation in response to spills based upon the responsibilities of the Canadian and U.S. Coast Guards set out in National Contingency Plan and in the U.S. National Oil and Hazardous Substances Contingency Plan.

II. Area of Coverage

The CANUSLAK Annex covers the contiguous waters as defined in the Great Lakes Water Quality Agreement:

"Great Lakes means all the streams, rivers, lakes and other bodies of water, that are within the drainage basin on the / at or upstream from the point at which this river becomes the international boundary between Canada and the United States".

III. Responsibilities

Position	Function
Regional Director, Canadian Coast Guard Central & Arctic Region (Canadian) Chief, Marine Safety Division, Ninth Coast Guard District (United States)	Responsible for development, maintenance and promulgation of CANUSLAK Operational Appendix
Superintendent, Rescue, Safety and Environmental Response (Canadian) Chief, Marine Response Operations Branch, Ninth Coast Guard District (United States)	Responsible for the execution of functions regarding preparedness exercises and overseeing issues of operational readiness for their geographical areas of responsibility
Federal On-Scene Commanders (Canadian) • Superintendent, Rescue, Safety and Environmental Response or • Supervisor of Response or • TBD Federal On-Scene Coordinators (United States) • Pre-designated by the USCG National Contingency Plan for specific geographic areas of responsibility within the Ninth Coast Guard District	Ensure an effective incident response with local, state, provincial, federal and international concerns.
Federal Monitoring Officers (Canadian) • Superintendent, Rescue, Safety and Environmental Response or • Supervisor, Environmental Response or • TBD	Provide focus for spills of international significance involving polluter appointed OSCs

IV. Plan Review and Updates

The Annex will be reviewed and updated as a minimum annually to meet changes in law, in environmental factors, policy and after every oil pollution incident and exercise that results in significant findings.

V. Pattern of Response

Region/District response philosophy.

The general operational precepts of the Plan include:

a) The health and safety of response personnel, crews and the public is paramount;

b) The "polluter pays principle," with regard to marine spills, is entrenched in the Canada Shipping Act Part XVI and the U.S. National Contingency Plan as amended by the Oil Pollution Act 1990;

c) The onus for first response lies with the polluter;

d) To be effective the response must be immediate;

e) The protection of the public interest will be the primary objective for each response effort;

f) There can only be one lead federal agency with the authority and mandate to ensure the protection of the public interest while recognizing that many different organizations have mandates and responsibilities to protect the marine environment, and that circumstances may dictate that the lead agency will seek its advice;

g) Recognizing that each marine spill will be different, each response to marine spills is founded upon an "appropriate response";

h) The "appropriate response" includes the efficient and effective movement of personnel and equipment across the border, the prioritization of sensitive areas, and effective management;

i) It is essential that timely and accurate notification is made and that information is disseminated immediately to all regulatory organizations, local, state agencies, provincial authorities, the public and as necessary the media.

VI. Organizational Structure

Designation of On-scene Commanders/Coordinators

For the purpose of this Annex the two Coast Guards will be the primary coordinating agencies for all marine spills, even in cases where other lead agencies provide an OSC.

In the United States, areas of responsibility are geographically defined in the Regional Response Plans between the coastal zone and the inland zone. The U.S. Coast Guard appoints Federal On Scene Coordinators (FOSCs) for the coastal zone and the U.S. Environmental Protection Agency appoints FOSCs for the inland zone The pre-designated FOSC for the geographical area in which a particular incident occurs would monitor the responsible party or, in the case of an unknown or unwilling responsible party, the FOSC would direct the response.

In Canada, the source of the pollution determines the lead agency. Where the pollution or threat of pollution is from a ship, and the ship owner is unidentifiable, unwilling or unable to respond, the Canadian Coast Guard will appoint an OSC. Where the ship owner has taken responsibility for the pollution and is effecting response activities, the Canadian Coast Guard will appoint a FMO. Within the context of the JMSCP for those spills originating from provincial jurisdiction and crossing into the United States via a body of water for the purposes of on water cleanup the CCG shall appoint an OSC.

Table of Lead Agency Authorities

COUNTRY	Coast Guard	Environment Canada	Ministry of the Environment Ontario	US – Environmental Protection Agency
U.S.	Spills from Coastal Zone			Spills from Inland Zone
CANADA	Ships Source & Mystery Other sources with Int. Significance	Federal Facilities	From land based non federal facilities.	

Details of the lead agency designation can be found in the U.S. Regions II, III and V Regional Contingency Plans and within the Canadian National Marine Spills Contingency Plan.

Other Critical Personnel

Detailed contact information for other personnel that play a vital role during an incident; such as, REET, National Strike Force (NSF), Regional Response Teams (RRTs), Natural Resource Trustees, Area Committees, and NOAA SSC can be found within the appropriate Canadian and U.S. Area Plans.

Government Resources Available for Normal Response Operations

A complete listing of both government and industry resources may be found within the appropriate area plan for the incident location. Further details regarding the specifics of particular equipment is contained in Canada within the Canadian Coast Guard Inventory and Maintenance Management System (IMMS) data base. In the U. S. information on U.S. contractors and equipment may be found in the Response Resource Inventory (RRI) maintained by the National Strike Force Coordination Center (NSFCC).

Collocated Response

On bodies of water such as rivers and other locations where collocation is appropriate, this would be utilized as the preferred method. Collocation command posts have been predetermined and are identified in the area plans.

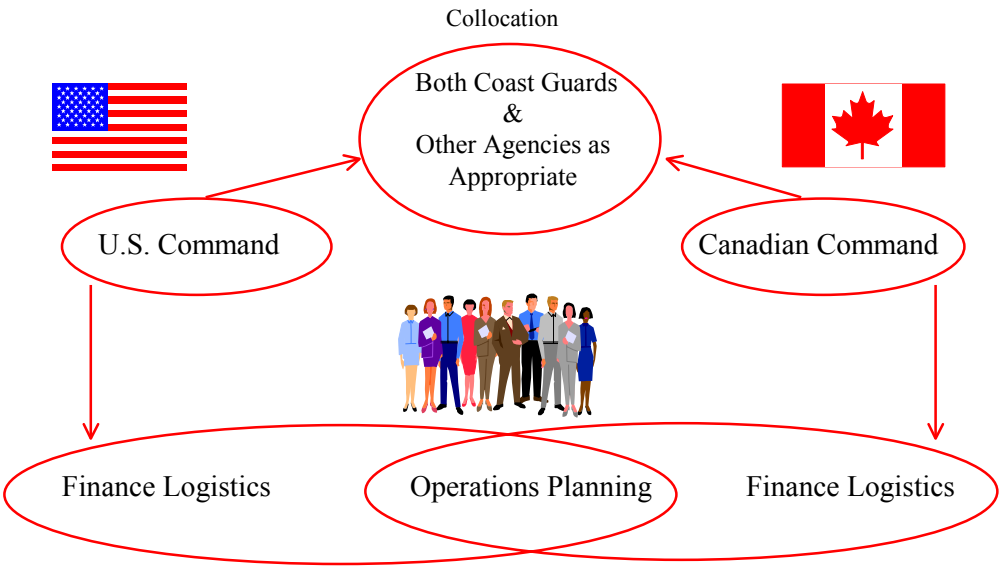

Figure 1. Collocated Response Structure

Geographically Separated Command Structure

In some situations, it is possible that the incident occurs in the open lake or other locations where the response is limited to each country monitoring the protection and clean-up of their respective jurisdictions. Given the unlikely possibility of a joint response, the command and control of the response efforts would be conducted separately on respective sides of the border. Although the response on each side of the border would be separate, the coordination of activities would be prudent and the assignment of liaison officers, as described below, to each command is recommended.

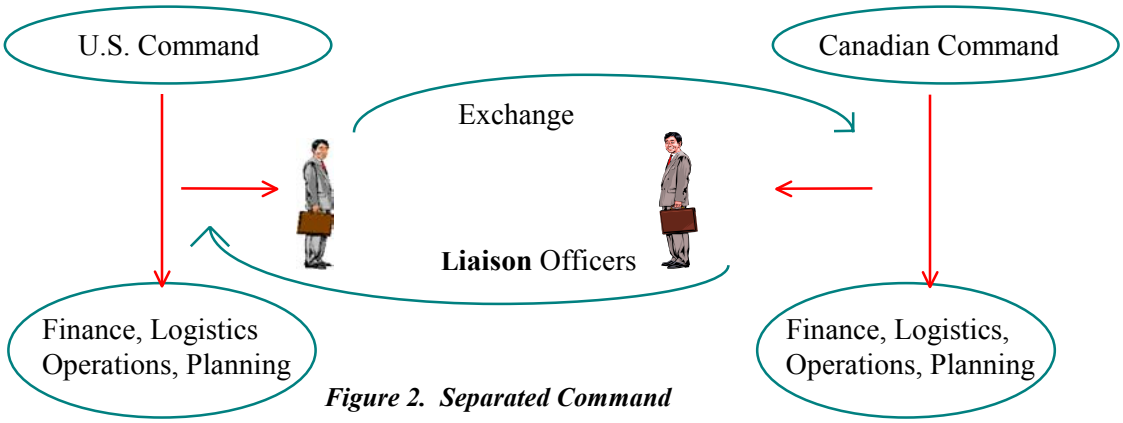

Figure 2. Separated Command

Liaison Officer

The draft Joint Plan allows for a liaison officer to be sent to the adjoining country to facilitate operations and communications during a response.

The On-scene Commander or Coordinator for an incident may request a representative from the other Party to participate as a liaison officer to facilitate the flow of information and to support direct communications between the On-scene Commander and Coordinator.

Each liaison officer shall report to the On-scene Commander or Coordinator.

Selection Criteria for Liaison Officers

The respective parties will select individuals with experience in spill management, contingency planning, pollution response equipment, knowledge of the Joint Plan, and knowledge of government and industry response capabilities.

VII. Notification Procedures

Invocation of Plan

The plan may be invoked by the responsible Canadian or U.S. JPT Co-Chairman in the event of a pollution incident which originates within the area of responsibility of his/her OSC, and which is accompanied by a substantial threat of the spread of pollutant into the area of responsibility of the other party's OSC, or where such spreading has already occurred. The plan may also be invoked by the responsible Canadian or U.S. JPT Co-Chairman in the event of a pollution incident originating within the area of responsibility of the other party's OSC, when in his opinion there is a substantial threat of a spread of the pollutant into his own area of responsibility.

Further details of the lead agency designation can be found within the Mandate and Role section of the Canadian National Marine Spills Contingency Plan - National Chapter.

Notification of the Joint Preparedness Team

The purpose of notification of the JPT will be to facilitate and ensure that all parties that may become involved in the incident are appraised of the situation.

Notification of the JPT will be carried out by the two Co-chairs who will determine which, if any, of the other team members should be notified.

Activation of the Joint Preparedness Team

The purpose of activation of the JPT will be to facilitate "red tape cutting" and transboundary issue resolution, that may be possible by employing the respective team members' authorities and areas of expertise. Activation of the Joint Preparedness Team will be carried out by the two Co-chairs who will notify the appropriate team members.

VIII. Procedures for Immigration Clearances (Personnel*)*

Canadian Nationals entering the U.S. - Under U.S. Immigration laws, emergency workers are paroled for a period not to exceed one week. The responsible party or the OSC must (1) certify in writing the need for a foreign company and the non-availability of an American company, (2) provide a form 1-94 for each foreign worker and (3) provide a complete list of workers. This certification and documentation must be provided no more than one business day after the deployment of emergency personnel. The responsible party or FOSC must also provide transportation to and from the site for INS agents, as required.

The U.S. Occupational Safety and Health Administration (OSHA) requires HAZWOPER certification prior to working on an oil spill and reciprocal training has not yet been approved by the Administration.

U.S. Nationals entering Canada - Personnel entering Canada need only to specify their intention regarding the emergency to the satisfaction of border officials. All personnel should refer to the existing agreements (Sault Ste. Marie/Sault St. Marie, Sarnia/Port Huron, Detroit/Windsor, and Pigeon River/Grand Portage) and to Immigration Regulation 19 (1) (j). Notifications of Immigration officials are required and Canadian Immigration Law provides for a parole period for emergency workers not to exceed five days.

IX. Procedures for Customs and the Non-Application of Coasting Trade Laws (Equipment)

Canadian equipment entering into the U.S. - U.S. Customs officials, with prior notification, will allow the entrance of Canadian response equipment during an emergency without duty (19 CFR §10.107). Canadian-flag oil spill recovery vessels must report arrival and make entry when coming into the U.S. These vessels may discharge oil recovered from U.S. waters to a U.S. port (P. L. 104-324 §1117).

U.S. equipment entering into Canada - Remission of duties may be granted to response equipment imported into Canada to be used temporarily for an actual or imminent pollution incident. Goods do not include personnel and all goods that have not been expended or destroyed in resolving the emergency must be exported from Canada. The issuance of Canada Customs form E29B by Customs officers will be required at the time of importation or after the fact depending on the circumstances. Where Customs officers or Royal Canadian Mounted Police are not in attendance a record will be kept by a responsible person for the purpose of completing the E29B.

To ensure that there are no undue impediments and to expedite such procedures for the importation of equipment requires coordination by responsible agencies with field Customs officials. Local Senior Customs officials should be included in Area Planning meetings and RRT meetings whenever possible.

X. Salvage

Under a 1908 Treaty between the United States and Canada, both countries agreed vessels from either country "may salve any property wrecked and may render aid and assistance to any vessel wrecked, disabled or in distress in the waters or near the shores of the other country…" Vessels operating under the terms of this treaty shall report, as soon as possible, to the nearest Customs House of the country in whose waters the operation took place.

XI. Exercises

Canada and the United States each have a national exercise program, National Exercise Program (NEP) and Preparedness for Response Exercise Program (PREP), respectively. Areas defined in the U.S. National Contingency Plan and by the Canadian Coast Guard. The Canadian and U.S. Area Committees should develop joint scenarios during the contingency planning process. The joint plan requires the following exercises for the geographical area covered by this annex:

- A quarterly alerting (notification) exercise will be conducted by critical response personnel.

- An annual spill management exercise.
- An annual equipment deployment exercise
- A triennial Area exercise similar to the current biennial CANUSLAK exercises.

These exercises will be coordinated by the Canadian Coast Guard Central Region's Exercise Officer and the U.S. Coast Guards Ninth District PREP Coordinator: Exercises will be rotated throughout the area to ensure evaluation of all geographical area plans. The scope of the exercises shall be consistent with the Canadian NEP and U.S. PREP guidelines. Each triennial exercise will be alternately hosted by each country.

XII. Detailed Sections of the Operational Supplement

A) Communications Plan

See the respective Area Plans for details of local contacts and procedure

B) Response Resource Inventory

See respective National, Regional and Area Contingency Plans.

C) Sensitive Environment Plan

Sensitive Areas have been Identified in the Environmental Sensitivity Atlases:

- Lake Erie
- Lake Ontario
- Lake Huron
- Lake Superior
- St. Clair/Detroit River
- St. Lawrence River
- St. Mary's River

Joint protection strategies have been developed and can be found in the appropriate Area Plans.

D) Logistics Plan

See the respective Area Plans for details of local contacts and procedures

E) Integration of Volunteers

To be developed pending HQ policy.

F) Salvage and Rescue Resources Inventory Rescue

Rescue: Long standing Rescue procedures are in place and can be automatically invoked by the appropriate authority (*e.g.*, RCC Trenton and Ninth Coast Guard District Office).

Salvors: Listed in appropriate Area Plan.

G) Disposal

See relevant Area Plan.

H) Joint Preparedness Team Contact List

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Mike Hecimovich Canadian JPT Co-Chair Supt. Rescue, Safety & Environmental Response Canadian Coast Guard 201 N. Front Street, Suite 703 Sarnia, Ontario N7T 8B1 Telephone—519-383-1971 Fax—519-383-1991	Capt Phil Nelson Transport Canada - Marine Safety 100 S Front Street Sarnia, Ontario N7T 2M4 Telephone (519)383-1825 Fax (519)464-5119
Peter Burgess The St. Lawrence Seaway Authority 202 Pitt Street Cornwall, Ontario K6J 3P7 Telephone—613-932-5170 Fax—613-932-5204	Dave Pascoe Environment Canada Emergencies & Enforcement Division Environmental Protection Branch Ontario Region 4905 Dufferin Street, Downsview, Ontario M3H 5T4 Telephone—416-739-5897 Fax—416-739-4953
Other Potential Contacts	
Customs	**Immigration**
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Robert Blumberg Marine Pollution Officer Department of State Attn: OES/OA, Room 5801 Main State Building 2201 C Street NW Washington, DC 20520 Phone: 202-647-4971 24 hour: 202-647-1512 FAX: 202-647-9099 Email: blumberg@state.gov	Ronald E. Rennhack Chief, Assets Management Branch 5CA DPN 37-5 General Services Administration 230 South Dearborn Chicago, IL 60604 Phone: 312-353-7050 24 hour: 312-353-0735 FAX: 312-886-9893 Email: ron.rennhack@gsa.gov
Thor Strong MI Dept. of Environmental Quality P.O. Box 30473 Lansing, MI 48909 Phone: 517-335-0430 24 hour: 517-373-7660 FAX: 517-373-0578 Email: strongt@state.mi.us	Stephen J. Lee, Supervisor Minnesota Pollution Control Agency 520 Lafayette Road St. Paul, MN 55155 Phone: 612-297-8610 24 hour: 612-649-5451 FAX: 612-297-8676 Email: stephen.lee@pca.state.mn.us
Tim Hickin, Supervisor Ohio Environmental Protection Agency P.O. Box 1049 Columbus, OH 43216-1049 Phone: 614-644-2080 24 hour: 800-282-9378 FAX: 614-644-3250 Email: t_hickin@central.epa.ohio.gov	David Woodbury Wisconsin Department of Natural Resources P.O. Box 7921 Madison, WI 53707-7921 Phone: 608-266-2598 24 hour: 800-943-0003 FAX: 608-266-3696 Email: woodbd@dnr.state.wi.us

USCG Federal On-Scene Coordinators	USCG Federal On-Scene Coordinators
Commanding Officer USCG Marine Safety Office 1055 East 9th Street Cleveland, OH 44114 Phone: 216-522-4405 FAX: 216-522-3290	Commanding Officer USCG Marine Safety Office 110 Mt. Elliot Ave. Detroit, MI 48207 Phone: 313-568-9580 FAX: 313-568-9581
Commanding Officer USCG Marine Safety Office 600 S. Lake Street, Canal Park Duluth, MN 55802 Phone: 218-720-5286 FAX: 218-720-5258	Commanding Officer USCG Marine Safety Office 2420 S. Lincoln Memorial Drive Milwaukee, WI 53207-1997 Phone: 414-747-7155 FAX: 414-747-7890
Commanding Officer USCG Marine Safety Office 337 Water Street Sault Ste. Marie, MI 49783-9501 Phone: 906-635-3220 FAX: 906-635-3344	Commanding Officer USCG Marine Safety Office Federal Building, Room 501 420 Madison Avenue Toledo, OH 43604 Phone: 419-418-6000 FAX: 419-259-6374

Great Lakes Countermeasures

Introduction

This section addresses the protocols for use of countermeasures incorporating the use of chemical oil spill treating agents and in situ burning in the Great Lakes jointly or by either country during a spill incident.

Chemical oil spill treating agents (OSTA) include dispersants, herding agents, emulsion treating agents, solidifiers, elasticity modifiers, shoreline cleaning agents, shoreline pre-treatment agents, oxidation agents, and bioremediation agents. In the United States these products must be listed on the National Contingency (NCP) Product Schedule to be considered for use during a spill incident. While no similar list exists in Canada, Environment Canada's Environmental Technology Center makes recommendations on the effectiveness and suitability of various OSTAs.

In-situ burning is defined as the use of an ignition source to initiate the combustion of spilled oil that will burn due to its intrinsic properties and does not include the adding of a burning agent to stain the burn. In situ burning can be performed on the open water and near or on shore.

Approving Authorities

In the U.S. the NCP specifically provides for the use of OSTA for spill containment and cleanup. The On-scene Coordinator (OSC) is authorized to use any chemical product without requesting permission if he or she believes its use is necessary to prevent or substantially reduce a hazard to human life (58 FR 47384, Sept. 15, 1994). In situations when a human hazard is not present, the OSC must receive the concurrence of the U.S. EPA Regional Response Team (RRT) representatives(s) and the RRT representative of the affected State(s). The OSC must also consult with the Department of Interior (DOI) and Department of Commerce (DOC) natural resource trustees, where practicable, before authorizing the use of a listed product.

Although not specifically addressed in the NCP, the use of in situ burning during a spill overseen by a Federal OSC must have concurrence from the affected State(s) RRT representative, the USEPA RRT representative(s), and in RRT Region V, the DOI natural resource trustee.

In Canada the Regional Environment Emergencies Teams (REET) have been developed to provide environmental advice to the lead response agency including specific advice on the applicability of using OSTAs or in situ burning. These teams are made up of a core group including Environment Canada as the chair for most marine spills, the provincial agencies of Ministry of the Environment and Energy and Ministry of Natural Resources, the Federal Department of Fisheries, Emergency Preparedness Canada and any affected First Nations. REET membership by academic institutions and environmental groups

with expertise in the specific region is also encouraged. Throughout the Ontario region these groups are being developed in areas of concern for spills.

Pre-Approvals and/or Policies for Countermeasure Use in the Great Lakes

Dispersant Use

United States--The Region V RRT does not promote the use of dispersants on surface waters on the Great Lakes. This policy is necessary to protect the fragile aquifers, sensitive ecosystems, and numerous potential and existing surface and subsurface water intakes (potable and non-potable) in the region.

Canada--Environment Canada does not support the use of dispersants as an oil spill response strategy in freshwater due to unproved effectiveness and toxicity issues of currently available products.

In Situ Burning

United States--A guidance for approving proposals to burn oil is presently being developed by the Region V RRT. The draft policy statement is:

> *"The region V Regional Response Team has adopted in situ oil burning as a means to avert potential oil spill impacts to the region's beaches, wetland environments, and the Great Lakes and inland Resources. As a policy, in situ burning will augment, not replace, other oil spill response techniques such as mechanical removal or chemical countermeasures. Where and when appropriate, in situ burning will be used as a first strike option for defensive purposes (e.g. open water burning and burning in ice conditions) and as a cleanup technique (e.g..burning of wetlands to remove spilled oil).*

This document will not be considered to grant Pre-approval to conduct an in situ burn. It is intended to provide consistent guidance throughout the region to facilitate the decision--making on whether or not to conduct an in situ burn during a spill incident. Approvals are still required on a case--by--case basis.

Canada--While no specific policy exists for its facilitated use, in situ burning is considered a viable countermeasure that has the potential to quickly remove large amounts of oil. Environment Canada is developing a national guidance document called **Standard Guide for In-Situ Burning of Oil Spills on Water: Environmental and Operational Considerations.** This provides specific information on environmental and operational considerations for burning to aid in the decision--making process during an actual event.

Other OSTA Use

United States--Region V has a pre-approval in place for the test use of ELASTOL, an elasticity modifier. A field test protocol and decision making flow diagram have been developed and are attached. Additionally, the use of the NOCHAR A610 solidifier

product contained in booms, sock, and pillows is also approved for use in Region V. No approval is n place for use of uncontained solidifier products.

Canada—A few agents have been tested and a list of these are available however no pre-approvals are in place for any oil spill treating agents. Environment Canada has ongoing testing of various chemical products and had produced a list of tentatively--approved agents. This list only identifies those products which have been tested by Environment Canada and have been found to meet specific criteria of toxicity and effectiveness. E.g. Corexit 9580 and Elastol.

Joint U.S./Canada Protocols for Countermeasure Use

For the following protocols notifications of intended OSTA and / or in situ burning use occur between the respective federal agencies with OSC authority for the specific spill, either U.S. Coast Guard (USCG) or USEPA and the Canadian Coast Guard or Environment Canada.

Non-dispersant OSTA and Situ Burning Use

Other Great Lakes Areas--The proposed use of any other of these countermeasures in any part of the Great Lakes would require notification and consultation with the other country only if there was a reasonable chance (based on federal agency trajectory forecasts) that the applied product, the treated spilled oil, and / or the emissions from the spill or burn would cross the international boundary.

Dispersant Use

Due to the application method and mechanism of action of dispersants, if at any time a dispersant application is considered by either country anywhere in the Great Lakes or connecting channels with an international boundary the other country must be consulted and approval sought.

Unresolved Notification and Consultation Issues

An issue that requires further discussion and clarification by the JPT involves disagreement between each country on the use of a particular countermeasure. For example; if Canada wanted to conduct an in situ burn and there was some risk that the smoke plume could impact the U.S. what would happen if the U.S. was consulted with and disagreed with Canada's decision to burn? No provision or resolutions in place to address this negative consultation.

A slightly different scenario illustrates the need for further discussion. What mechanism can be put in place if, for example, one country felt the other was not doing enough and wanted more action on the part of the nation where the spill originated. An example might be if a spill was heading toward a sensitive area in Ontario and Canada wanted the U.S. to use more aggressive means (such as in situ burning) in order to protect Canadian natural resources.